

The American Ambassador to the Brazilian Minister for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Rio de Janeiro, December 19, 1950

No. 224

EXCELLENCY:

I have the honor to advise Your Excellency that the Government of the United States of America, moved by a desire to promote the interchange of technical knowledge between the United States of America and Brazil and to cooperate in related activities designed to contribute to the balanced and integrated development of the economic resources and productive capacities of Brazil, agrees on the following points:

- 1) The Governments of the United States of America and Brazil resolve to cooperate with each other in the interchange of technical knowledge and skills and in related activities designed to contribute to the balanced and integrated development of the economic resources and productive capacities of Brazil. Particular technical cooperation programs and projects will be carried out pursuant to the provisions of such separate written agreements or understandings as may later be reached by the duly designated representatives of Brazil and the Technical Cooperation Administration or other duly designated representatives of the United States of America, or by other persons, agencies, or organizations designated by the Governments.
- 2) The Government of Brazil through its duly designated representatives in cooperation with the representatives of the Technical Cooperation Administration or other duly designated representatives of the United States of America and representatives of appropriate international organizations will endeavor to coordinate and integrate all technical cooperation programs being carried on in Brazil.
- 3) The Government of Brazil will cooperate in the mutual exchange of technical knowledge and skills with other countries participating in technical cooperation programs associated with that carried on under this Agreement.
- 4) The Government of Brazil will endeavor to make effective use of the results of technical projects carried on in Brazil in cooperation with the United States of America within the limits of available financial resources obtained domestically or abroad.

- 5) The two Governments will, upon the request of either of them, consult with regard to any matter relating to the application of this Agreement to project agreements heretofore or hereafter concluded between them.
- 6) The two Governments undertake to provide in a form and at intervals to be mutually agreed upon:
 - (a) Information concerning projects, programs, measures and operations carried on under this Agreement, including a statement of the use of funds, materials, equipment and services provided thereunder.
 - (b) Information regarding technical assistance which has been or is being requested by Brazil of other countries or of international organizations.
- 7) Not less frequently than once a year, the Governments of Brazil and of the United States of America will make public in their respective countries periodic reports on the technical cooperation programs carried on pursuant to this Agreement. Such reports shall include information as to the use of funds, materials, equipment and services.
- 8) The Governments of the United States of America and Brazil will endeavor to give full publicity to the objectives and progress of the technical cooperation program carried on under this Agreement.
- 9) In the understandings which are reached on programs and projects referred to in Article 1 there will be included provisions on the orientation and administration of these technical undertakings and on the expenditures which are to be made. In these understandings will be included statements regarding the contributions of the Government of Brazil, it being understood that if such contributions exceed currently budgeted funds for personnel and materials of the Brazilian Administration they will depend upon authorization by the Brazilian Congress. The Government of Brazil agrees to bear a fair share of the cost of technical cooperation programs and projects.
- 10) Any funds, materials and equipment introduced into Brazil by the Government of the United States of America pursuant to such program and project agreements shall be exempt from taxes, service charges, investment or deposit requirements. All employees of the Government of the United States of America assigned to duties in Brazil in connection with technical cooperation programs and accompanying members of their families shall be given exemption from Brazilian income, social security and personal property taxes, and customs and import duties, to an extent equal to that given personnel of any other non-diplomatic missions or commissions of the United States of

America in Brazil.

11) This Agreement shall enter into force as of today's date and shall remain in force until three months after either Government shall have given notice in writing to the other of intention to terminate it.

12) If, during the life of this Agreement, either Government should consider that there should be an amendment thereof, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment.

13) Subsidiary project and other agreements and arrangements which may be concluded may remain in force beyond any termination of this Agreement, in accordance with such arrangements as the two Governments may make.

14) This Agreement is complementary to and does not supercede existing Agreements between the two Governments except insofar as other Agreements are inconsistent herewith.

15) The present Note and that of Your Excellency of today's date and the same tenor, in the Portuguese language, will be considered as the Instrument of Administrative Agreement between our two Governments on the subject in question.

I take this opportunity to renew to Your Excellency the assurances of my highest esteem.

The Brazilian Minister for Foreign Affairs to the American Ambassador

MINISTERIO DAS RELACOES EXTERIORES, RIO DE JANEIRO.

Em 19 de dezembro de 1950.

DE/COI/DAI/652/550.(22) 812.(22) (42)

SENHOR EMBAIXADOR,

Tenho a honra de levar ao conhecimento de Vossa Excelencia que o Governo dos Estados Unidos do Brasil, animado do desejo de incentivar, entre o Brasil e os Estados Unidos da America, o intercambio de conhecimentos tecnicos e a cooperacao em atividades correlatas que possam contribuir para um desenvolvimento equilibrado e coordenado dos recursos economicos e da capacidade produtiva do Brasil, concorda nos dispositivos seguintes:

1. Os Governos do Brasil e dos Estados Unidos da America resolvem assentar as bases de uma cooperacao reciproca no intercambio de metodos, conhecimentos tecnicos e atividades correlatas, destinadas a contribuir para o desenvolvimento equilibrado e co-ordenado do potencial economico e o aumento da producao do Brasil. A execucao de determinados programas tecnicos e a elaboracao de projetos especificos serao feitas mediante acordos especiais ou entendimentos que venham a ser ultimados entre representantes devidamente autorizados pelo Governo do Brasil e pela Administracao de Assistencia Tecnica dos Estados Unidos da America, ou outros representantes, devidamente autorizados, dos Estados Unidos da America, ou, ainda entre outras entidades ou pessoas designadas pelos respectivos Governos.
2. O Governo do Brasil, por intermedio de seus representantes autorizados, juntamente com representantes da Administracao de Assistencia Tecnica, ou outros devidamente designados pelos Estados Unidos da America e ainda outros representantes de organizacoes internacionais adequadas, empenhar-se-a em centralizar e coordenar os diversos trabalhos de cooperacao tecnica em execucao no Brasil.
3. O Governo do Brasil cooperara no intercambio de metodos e conhecimentos tecnicos com outros paises que participem de programas de cooperacao tecnica relacionados com o instituido por este Ajuste.
4. O Governo do Brasil procurara dar aplicacao eficaz aos projetos tecnicos elaborados em cooperacao com os Estados Unidos da America tanto quanto lhe permitam os recursos financeiros disponiveis, angariados no pais ou no exterior.
5. Os dois Governos, a pedido de qualquer deles, [*8] consultar-se-ao sobre qualquer assunto relativo a aplicacao deste Ajuste a projetos decorrentes de entendimentos anteriores ou concluidos posteriormente a sua celebracao.
6. Os dois Governos se comprometem a fornecer, na forma e prazo que forem mutuamente assentados:
 - a) Informacoes sobre os projetos, programas, providencias e atividades executadas com base neste Ajuste, inclusive dados sobre o emprego dos fundos, materiais, equipamentos e servicos fornecidos na forma disposta no presente Ajuste;
 - b) Informacoes relativas a assistencia tecnica ja solicitada ou a ser solicitada de outros paises e organizacoes internacionais.
7. Ao menos uma vez por ano, os Governos do Brasil e dos Estados

Unidos da America farao publicar, nos respectivos paises, relatorios periodicos sobre os trabalhos de assistencia tecnica executados com base neste Ajuste. De tais relatorios constarao tambem informacoes sobre o emprego de fundos, materiais, equipamento, assim como sobre a execucao de servicos.

8. Os Governos do Brasil e dos Estados Unidos da America empenhar-se-ao para que seja dada ampla publicidade aos objetivos e a execucao do programa de assistencia tecnica preparado com base no presente Ajuste.

9. Nos entendimentos que se realizarem para a elaboracao dos programas e projetos mencionados no artigo 1, serao especificadas as bases de orientacao e de administracao desses trabalhos tecnicos, inclusive os orcamentos das despesas a serem realizadas. Desses entendimentos constarao as verbas de contribuicao do Governo do Brasil, cuja concessao dependera de autorizacao do Congresso brasileiro, caso as despesas previstas superem os recursos para financiamento de pessoal e de material, com que a Administracao brasileira possa contar na occasiao. O Governo brasileiro se compromete a cobrir uma parte equitativa do custo dos programas e projetos de cooperacao tecnica.

10. Quaisquer fundos, materiais e equipamentos fornecidos ao Brasil pelo Governo dos Estados Unidos da America, como resultado dos ajustes sobre projetos e programas de cooperacao tecnica, serao isentos de impostos, taxas e exigencias relativas a depositos e investimentos. Todos os funcionarios do Governo dos Estados Unidos da America designados para servir no Brasil em conexao com os programas de cooperacao tecnica, assim como os membros das respectivas familias, estarao isentos dos impostos brasileiros sobre a renda, taxa de previdencia social e imposto sobre a propriedade pessoal, assim como de direitos de importacao, em condicoes iguais as outorgadas as outras missoes ou comissoes nao-diplomaticas dos Estados Unidos da America no Brasil.

11. Este Ajuste entrara em vigor na data de sua assinatura e expirara tres meses apos notificacao escrita, por um dos Governos ao outro, da intencao de o dar por terminado.

12. Se, durante a vigencia deste Ajuste, um dos Governos desejar modifica-lo, devera fazer nesse sentido notificacao ao outro, por escrito, e os dois Governos entrarao em entendimento com o objetivo de chegar a acordo sobre a alteracao proposta.

13. Os projetos subsidiarios e, bem assim, outros acordos e entendimentos que venham a ser concertados poderao permanecer em vigor alem da data de expiracao deste Ajuste, em conformidade com o

que os dois Governos convencionarem.

14. Este Ajuste complementa os acordos existentes entre os dois Governos, e nao os derroga, exceto nos casos em que aqueles com ele nao se conciliem.

15. A presente nota e a de Vossa Excelencia, de hoje datada e com o mesmo teor, em lingua inglesa, serao consideradas como o Instrumento do Ajuste Administrativo sobre a materia acordada entre os nossos dois Governos.

Aproveito a oportunidade para renovar a Vossa Excelencia os protestos da minha mais alta consideracao.

*******Translation*******

MINISTRY OF FOREIGN AFFAIRS, RIO DE JANEIRO.

December 19, 1950.

DE/COI/DAI/652/550.(22) 812. (22) (42)

MR. AMBASSADOR,

I have the honor to inform Your Excellency that the Government of the United States of Brazil, moved by the desire to promote, between Brazil and the United States of America, the interchange of technical knowledge and cooperation in correlated activities that can contribute to a balanced and integrated development of the economic resources and productive capacity of Brazil, agrees to the following provisions:

[For the English language text of the provisions, see above.]

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

SIGNATORIES:

HERSCHEL V. JOHNSON
His Excellency

Dr. RAUL FERNANDES,
Minister for Foreign Affairs, Rio de Janeiro.

RAUL FERNANDES
A Sua Excelencia

o Senhor HERSCHELL V. JOHNSON,
Embaixador dos Estados Unidos da America.

RAUL FERNANDES
His Excellency

HERSCHEL V. JOHNSON,
Ambassador of the United States of America.

Effectuated by exchange of notes signed at Rio de Janeiro December 19, 1950;
Entered into force December 19, 1950.
TIAS 2239, 2 U.S.T. 845

*****Amendment to the December 19, 1950 Agreement*****

The American Ambassador to the Brazilian Minister for Foreign Affairs

AMERICAN EMBASSY

Rio de Janeiro, January 8, 1952.

No. 348

EXCELLENCE:

I have the honor to refer to the Instrument of Administrative Agreement on Technical Cooperation concluded between our two Governments by the exchange with Your Excellency's predecessor of Notes dated December 19, 1950, the Note of this Embassy bearing No. 224 and that of the Brazilian Ministry of Foreign Affairs the designation DE/COI/DAI/652/550. (22) 812. (22) (42).

The Government of the United States proposes that the Technical Cooperation Agreement in question be amended, as provided by numbered paragraph 12 of both Notes under reference, by making an integral part of the Agreement the following statement regarding the purposes of cooperation in the technical field:

"The peoples of the United States and of Brazil have a common interest in economic and social progress and their cooperative efforts to exchange technical knowledge and skills will assist in achieving that objective.

The interchange of technical knowledge and skills will strengthen the mutual security of both peoples and develop their resources in the interest of maintaining their security and independence.

"The Government of the United States of America and the Government of Brazil have agreed to join in promoting international understanding

and good will and in maintaining world peace, and to undertake such action as they may mutually agree upon to eliminate causes for international tension."

The Government of the United States also proposes that the Technical Cooperation Agreement be amended, as provided by numbered paragraph 12, by the addition of the following paragraphs which would follow numbered paragraph 13 in the Notes of December 19, 1950:

"Each Program and Project Agreement now in effect relating to the furnishing of economic and technical assistance in Brazil shall be deemed to contain the following:

"It is understood that if any sums or funds allotted by the United States Government for implementing the assistance programs in accordance with existing agreements and understandings are made subject to any judicial process in Brazil which would render impossible or difficult their free and immediate disposal for the purposes for which they were originally intended, the Brazilian Government will take prompt action to ensure a contribution for the execution of such programs or for the achievement of such objectives, of equivalent sums or funds; the Brazilian Administration will utilize for this purpose appropriations at its disposal if possible, or if necessary it will request authorization for credits from the Brazilian Congress as provided for in Article 9 of this Agreement."

Upon the receipt from Your Excellency of a reply to this Note stating that the amendments proposed above are acceptable to the Government of Brazil, the Government of the United States will consider that the Technical Cooperation Agreement between our two Governments has been amended as indicated.

I take this opportunity to renew to Your Excellency the assurances of my highest esteem.

The Brazilian Minister for Foreign Affairs to the American Ambassador

EM 8 DE JANEIRO DE 1952.

DE/DAI/11/550. (22)

SENHOR EMBAIXADOR,

Tenho a honra de acusar o recebimento da nota no 348, de 8 de mes em curso, na qual Vossa Excelencia se refere ao Ajuste Administrativo de Cooperacao Tecnica, concluido entre nossos dois Governos, por notas trocadas no Rio de Janeiro em 19 de dezembro de 1950.

2. O Governo dos Estados Unidos da America propoe, conforme o disposto no paragrafo 12 das Notas mencionadas, que o Acordo de Cooperacao Tecnica seja emendado, de maneira que dele venha a fazer parte integrante a seguinte declaracao de propositos de cooperacao no terreno tecnico:

"Os povos dos Estados Unidos do Brasil e dos Estados Unidos da America tem um interesse comum no progresso economico e social e seus esforcos de cooperacao para o intercambio de conhecimentos tecnicos e aptidos correlatas auxiliarao a consecucao daquele objetivo."

"O intercambio de conhecimentos tecnicos e aptidos correlatas reforcaria a seguranca mutua de ambos os povos e desenvolveria seus recursos no interesse da manutencao de sua seguranca e independencia."

"O Governo dos Estados Unidos do Brasil e o Governo dos Estados Unidos da America concordam em agir conjuntamente para promover o entendimento e a boa vontade internacionais e manter a paz no mundo, bem como empreender a acao que mutuamente concertarem para eliminar causas de tensao internacional."

3. O Governo dos Estados Unidos da America propoe tambem, em concordancia com o disposto no paragrafo 12, que o Ajuste de Assistencia Tecnica seja emendado de maneira a acrescentar-se os paragrafos abaixo transcritos, que se seguirao ao paragrafo 13 das notas de 19 de dezembro de 1950:

"Todos os programas e projetos ajustados, ora em vigor, relativos a concessao de assistencia tecnica e economica no Brasil serao considerados como contendo a seguinte clausula:

"Fica entendido que, se as quantias ou fundos distribuidos pelo Governo dos Estados Unidos da America, para a implementacao dos programas de assistencia, nos termos dos Acordos ou Ajustes em vigor, vierem a ser objeto de qualquer processo judicial, no Brasil, que impeca ou dificulte sua livre e imediata disposicao para os fins a que originariamente se destinavam, o Governo brasileiro tratara prontamente de assegurar, para a execucao daqueles programas ou consecucao daqueles fins, uma contribuicao equivalente aos referidos fundos ou quantias; a Administracao brasileira utilizara para tanto, se possivel, as verbas que tenha a sua disposicao ou solicitara, se necessario, creditos ao Congresso Nacional, conforme o disposto no paragrafo 9 deste Ajuste."

4. Em resposta informo Vossa Excelencia de que o Governo brasileiro aceita as emendas propostas, como acima redigidas, considerando a presente nota e a de Vossa Excelencia, sobre este assunto, de hoje datada, em lingua inglesa, como um ajuste formal sobre a materia.

Aproveito a oportunidade para renovar a Vossa Excelencia os protestos da minha mais alta consideracao.

*****Translation*****

DE/DAI/11/550. (22) JANUARY 8, 1952.

MR. AMBASSADOR,

I have the honor to acknowledge the receipt of note No. 348 of the 8th of this month in which Your Excellency refers to the Administrative Agreement on Technical Cooperation between our two Governments concluded by notes exchanged in Rio de Janeiro on December 19, 1950.

2. The Government of the United States of America proposes, pursuant to the provisions of paragraph 12 of the aforesaid notes, that the Technical Cooperation Agreement be amended by making an integral part of the agreement the following statement of purposes of cooperation in the technical field:

[For the English language text of the statement, see above.]

3. The Government of the United States of America also proposes, pursuant to the provisions of paragraph 12, that the Technical Assistance Agreement be amended by the addition of the following paragraphs, which would follow paragraph 13 in the notes of December 19, 1950:

[For the English language text of the additional terms, see above.]

4. In reply, I wish to inform Your Excellency that the Brazilian Government agrees to the proposed amendments as set forth above and regards the present note and Your Excellency's note in the English language on this subject, dated today, as a formal agreement on the matter.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

SIGNATORIES:

HERSCHEL V. JOHNSON
His Excellency

JOAO NEVES DA FONTOURA,
Minister for Foreign Affairs, Rio de Janeiro.

JOAO NEVES DA FONTOURA

A Sua Excelencia o Senhor HERSCHEL V. JOHNSON,

Brazil - USAID Framework Bilateral Agreement

Embaixador dos Estados Unidos da America.

JOAO NEVES DA FONTOURA

His Excellency
HERSCHEL V. JOHNSON,
Ambassador of the United States of America.

Amendment effected by exchange of notes signed at Rio de Janeiro January 8, 1952;
Entered into force January 8, 1952
TIAS 2626 3 U.S.T. 4693